

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Plaintiff,

DECISION AND ORDER

06-CR-6046L

v.

MICHAEL HOLMES,

Defendant.

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Defendant's motion (Dkt. #59) styled as a motion for relief based on post-sentencing rehabilitative efforts is denied. This Court has no jurisdiction to grant such relief from the aggregate 120 month sentence imposed on April 7, 2008. The Guideline sections referenced by defendant, Sections 5K2.19 and 5K2.20 are not applicable. Section 5K2.19 has been deleted effective November 1, 2012 and would not have applied in any event since it related to resentencing of a defendant. Section 5K2.20 also does not apply to a situation where a defendant has already been sentenced.

CONCLUSION

Defendant's motion (Dkt. #59) for post conviction relief is in all respects denied.

IT IS SO ORDERED.



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DAVID G. LARIMER  
United States District Judge

Dated: Rochester, New York  
January 9, 2013.